

**REMARKS**

Claims 1, 3-11 and 13-17 are pending and under consideration. Claim 12 has been withdrawn. Claim 2 has been canceled. Claims 9-11 and 15-17 have been amended. No new matter is presented.

Applicant confirms the election of claims 1-11 and 13-17 for continued examination, as discussed orally with the Examiner and Applicant's attorneys.

Claims 1-11 and 13-17 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter that applicant regards as the invention.

The Examiner asserts that claim 1 recites steps for creating a media enhancement file; however, the claim language does not offer the clear understanding of the claimed invention. Specifically, the Examiner asserts that the specification does not provide the definition of "constraint." Applicant respectfully disagrees.

The specification, at pg. 2, lines 7-15, explains what the Applicant means by the term "constraint." The specification explains a platform, or target platform, may be one of a plurality of browsers for streaming media, or one of a plurality of set-top boxes or interactive televisions (pg. 2, lines 4-6). The specification goes on to explain that there are numerous differences between platforms, and lists some of those differences and describes them as "constraints" that differ between platforms. For example, a constraint may be the fact that different televisions have different resolutions.

Next, the Examiner asserts that the terms "authoring options" and "authoring action" are unclear, as is how the options are defined.

Claim 1 recites employing a set of rules to define options in an authoring program. The specification, at pg. 5, lines 19-24, explains that rules based option definition employs a set of rules to define the options presented to a user when utilizing a corresponding authoring function. An

example is provided in which a television is the targeted platform, and menu options may be defined, using the rules set, to allow only larger font sizes to be selected. In other words, the rules set is employed to limit the options to those suitable for the target platform. The term “authoring program” refers to the program written by the author of the enhancement which provides the enhanced content.

The term authoring content is described in the specification where it states “at step 104 a user of an authoring program may perform an action, such as selecting and placing a graphic image in a window of an authoring program” (pg. 5, lines 4-5). The rules define the options in the authoring program because a rule set is particular to the platform types, which then guides which options will be available for selection by the author. The rules set may be employed to limit the options to those suitable for the targeted platform (specification, pg. 5, lines 23-24). The rule set may then be organized in an enhancement file. The enhancement file is discussed in the specification at pg. 6, lines 25-30. Accordingly, all of the claim limitations of claim 1 are adequately described by the specification.

The Examiner states that it is not understood what a “post processing program” is and what “post processing rules” do. Claim 2 has been canceled. However, Applicant wishes to note that the specification, at pg. 5, lines 13-18, explains that post processing may include calculations or estimates of download time for enhancement, allowing the user to confirm that the level of detail of the enhancement is suited to the data transfer rates of the transmission system. The post processing may be employed to access an existing file, created with a first set of target platform rules, and to update the file to add or remove other platforms.

The Examiner also notes that he did not find clear definition of “platform rules” and that claim 1 recites “a set of rules,” claim 2 “a post processing set of rules” and claim 5 “a set of platform rules,” and it is not clear from the specification the differences between these rules. The Examiner notes that a similar problem is observed throughout claims 1-11 and 13-17.

Applicant notes that the claims are now limited to reciting a set of rules and a set of platform rules. The specification explains that the invention may be implemented in a distributed manner wherein a first set of rules are applied in the authoring process and a second set of rules may be applied to the display platform (pg. 6, lines 19-21). Applicant trusts that this adequately clarifies this matter.

The Examiner notes that other terms are undefined. For instance, the Examiner asserts that “presentation platform” is undefined. However, Applicant notes that this is not recited in any claim.

The Examiner notes that a media enhancement file is saved without first being created or certain steps are omitted. However, claim 1 recites a method of creating a media enhancement file, describes the steps that go into creating the file, and then recites saving the file. Applicant is unsure what the Examiner considers is missing.

The Examiner notes that claim 1 is directed towards a method and that the preamble of claim 2 is directed towards the method of claim 1 but the substance is drawn to a product, and that it is not clear how claim 2 further limits the method of claim 1. Since claim 2 has been canceled, this rejection is moot.

The Examiner further notes that claim 5 (and claim 6) further refines claim 1 by introducing an additional step. However, it is not clear whether the order of the steps is important and if so at what point "creating a set of platform rules" should occur. Applicant notes that it is not a requirement that a method claim recite steps in any certain order.

The Examiner notes that claims 8, 14 and 17 recite “a step associated with said rule” and that it is not clear what constitutes of association or how the rule is associated. Furthermore, the Examiner notes that it is unclear what the step is.

The specification, describing Fig. 1, explains that a check is performed to determine if rules exist for the action performed by the user in step 104. If a rule does exist for that action,

processing as defined by the rules is applied (pg. 5, lines 7-9). This is what is being claimed in claim 8. Thus, “associated” with is another way of saying “as defined by.”

The Examiner notes that the phrase “a step of performing a step” in claims 9-11 is not understood. Claims 9-11 have been amended for clarification purposes.

The Examiner notes that it is unclear in claims 1 and 13 what the subject is that produces an image. Applicant is confused by this remark, as the claims do not recite producing an image.

The Examiner remarks that it is unclear if the constraint is in the platform or in the rules set. Claim 1 recites that the set of rules describes at least one constraint. However, the platform rules set may be established according to the same method as the general rules set, but is applied separately to the display platform. The specification describes this embodiment at pg. 6, beginning on line 19.

The Examiner finally notes that claim 15 is drawn to a product by process and that claims 16 and 17 are also drawn to a product that are modified by process and are written as method claims (... file...further comprising the step of ... "). Applicant has amended the claims in accordance with the Examiner's suggestion.

In accordance with the foregoing, Applicant requests that this rejection be withdrawn.

Claims 1-2, 7-8 and 13-17 are rejected under 35 USC 102(a) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Covington, U.S. Patent 5,524,193. This rejection is respectfully traversed.

The Examiner asserts that Covington teaches a program that allows authors to quickly and easily create a sequence of media events such as a video clip. The Examiner notes that Covington teaches configuration buttons 840a to 840e that allow the user to customize the playback of the video event being created. The Examiner notes that, in the embodiment shown in FIG. 8, clicking on the arrow displayed at the right side of any of configuration buttons 840a to 840b causes

a pull-down menu to be displayed listing the selections that are available for that particular configuration button (citing col. 13, lines 37-43). The Examiner asserts that this reads on “establishing a set of rules describing at least one constraint for a television platforms that produce an image showing a television picture and enhancements and defining authoring options in a media enhancement authoring program using the set of rules.”

Applicant first notes that this is not actually what is being claimed in claim 1. Claim 1 recites “establishing a set of rules describing at least one constraint for each of at least two display platforms employing said set of rules to define options in an authoring program; employing said authoring program to perform an authoring action; and saving a media enhancement file.” Covington, on the other hand, relates to a method of annotating a multimedia work. Covington does not reveal that any rules are established which relate to any specific display platform. Covington’s method is display-independent, and does not appreciate constraints of a particular display platform. Further, Covington discloses that its method does not require “hard programming” (col. 2, lines 42-43). It appears that the Examiner has misunderstood the claimed invention. Covington does not relate in any way to the claimed subject matter.

Although the Examiner admits that Covington does not explicitly teach that the constraints are for at least two television platforms, he asserts that Covington is relevant to various environments, which leads the examiner to believe that Covington’s invention as taught is available for more than one television platform. Further, the Examiner asserts that even if Covington’s invention were directed only to one television platform it would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to implement such a modification. One of ordinary skill in the art would have been motivated to perform such a modification in order for a user to be able to create multimedia material for various television platforms.

First, the claims are not limited to television platforms. As such, it is important to realize that many different display platform types have different constraints, and the claimed invention accounts for this very issue. This is the heart of the matter of the claimed invention, and to assume that it would have been obvious to account for different display types, despite the fact that

Covington does not really relate in any way to the claimed invention, is impermissible hindsight. The Examiner is attempting to recreate the claimed invention based on the Applicant's own discovery. This is not a proper basis for either a 35 USC 103(a) or a 35 USC 102(a) rejection. Accordingly, Applicant requests that this rejection be withdrawn.

Claims 5-6 and 9-11 are rejected under 35 USC 103(a) as unpatentable over Covington in view of Official Notice. This rejection is respectfully traversed.

These claims are allowable in view of the remarks set forth above. Covington fails to teach or suggest the claimed invention.

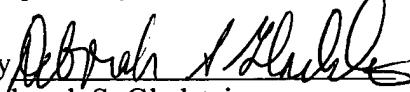
Claims 3-4 are rejected under 35 USC 103(a) as unpatentable over Covington, in view of MacPhail, U.S. Patent 6,593,943. This rejection is respectfully traversed.

Claims 3 and 4 are allowable at least due to their respective dependencies and further in view of MacPhail's failure to overcome the deficiencies of Covington. Applicant requests that this rejection be withdrawn.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 577172001700.

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